

**FEDERAL ON-SCENE COORDINATOR'S REPORT  
FOR  
CHESAPEAKE ASBESTOS SITE  
CHESAPEAKE, VIRGINIA**



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
PHILADELPHIA, PENNSYLVANIA**

Federal On-Scene Coordinator's Report  
Chesapeake Asbestos Site

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REGION III  
CERCLA REMOVAL ACTIONPROJECT #[298]  
FACT SHEET

**SITE:** Chesapeake Asbestos Site

**SIZE:** 3 locations: total of 9 transport trailers and 1 rental storage box

**LOCATION:** Chesapeake, Virginia

**APPROVAL DATE:** January 26, 1994

**PROJECT DATES:** Response: January 26, 1994 to March 28, 1994  
Enforcement: March 28, 1994 to May 6, 1994.

**DESCRIPTION:** The Chesapeake Asbestos Site consists of three separate locations in Chesapeake Virginia. Harrison Hauling, Inc. (HHI), Travelers Self Storage (TSS), and Tidewater Storage Company (TSC). All three locations housed illegally dumped asbestos containing materials and other asbestos contaminated materials. Investigations by Department of Justice, EPA and Navy were responsible for identifying the PRP's at each location. Prior to EPA performing the actual removal, the PRP's for each location (3) agreed to perform the proper removals. All asbestos removal and disposal was completed by the PRP for each location.

**HAZARDOUS MATERIALS:** Asbestos

**QUANTITIES REMOVED:** PRP removal at all three locations.

**OSC:** William D. Steuteville

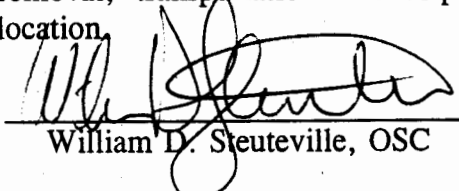
**REMOVAL CONTRACTOR:** Environmental Technology of North America, Inc.  
[Ultimately, ETI did not perform the response]

**DISPOSAL LOCATION:** PRP contracted facilities

**PROJECT CEILING:** \$ 372,750

**PROJECT COSTS:** \$ 27,560 (estimated)

**COMMENTS:** Removal actions were limited to the planning and preparation of work plans, equipment and personnel needed. PRPs performed the removal, transportation and disposal of the asbestos at each location.

  
William D. Steuteville, OSC

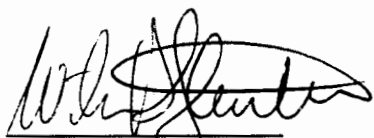
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**FOREWORD**

The On-Scene Coordinator (OSC), as mandated by the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP 1990), is required to provide a coordinated federal response capability at the scene of an unplanned or sudden discharge of oil or hazardous substance that poses a threat to the public health or the environment. In addition, the provisions of Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), promote a coordinated federal, state and local response to mitigate situations at hazardous waste sites that pose an imminent and substantial threat to public health and/or the environment.

The presence of hazardous substances at this Site and the threat to the surrounding community and the environment provided a legal base for federal emergency response actions to abate the threats. The provisions of the NCP, were implemented by the U.S. Environmental Protection Agency, Region III, Philadelphia, Pennsylvania.

The OSC would like to extend thanks to all of the agencies and individuals who provided valuable assistance and expertise to ensure the successful completion of this cleanup effort.



William D. Steuteville  
On-Scene Coordinator  
U.S. EPA Region III  
Philadelphia, Pennsylvania.

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## **I. INTRODUCTION**

### **A. Initial Situation**

The Chesapeake Asbestos Site investigation was initially conducted by the Department of Justice personnel after a report was filed the Chesapeake Fire Marshal's Office. Originally, the investigation involved only the Harrison Hauling Company, 3923 South Military Highway. The investigation was expanded to include United States Environmental Protection Agency (US EPA), Region III personnel and personnel from the U.S. Navy. The Navy became involved because it was believed that some of the asbestos originated from a U.S. Navy facility where it had been removed under a contract with the Navy and then illegally disposed contrary to the contractors agreement with the Navy and Federal law. Additional information provided by an EPA inspector led to the inclusion of Traveler's Self-Storage, 3741 South Military Highway, and Tidewater Storage Company, 2703 South Battlefield Boulevard, to the investigation.

The investigation ultimately resulted in an inspection of the three facilities. On 18 and 19 March 1993, US EPA On-Scene-Coordinator William Steuteville, along with members of EPA Region III Technical Assistance Team (TAT), assisted Department of Justice, Navy and EPA investigators with the search of the properties and sampled suspected asbestos-containing materials found at the site. The search resulted in the acquisition of information which supported allegations of potentially illegal activity by individuals involved.

Based on conditions at the Site, EPA obligated and expended funds to provide for the proper removal and disposal of the asbestos. On January 02, 1994, a nationally significant Action Memorandum for asbestos removal was concurred on by EPA headquarters. On January 26, 1994, Region III Regional Administrator signed the Action Memo, obligating \$372,750 for a Removal Action at this Site. Prior to EPA performing the actual removal, the PRP's for each location agreed to perform the clean-up at each facility. All asbestos removal and disposal was completed by the PRP for each location.

### **B. Site Location**

Since the Site consists of three non-contiguous locations contained within the City of Chesapeake, complete addresses have been provided for all locations. Tidewater Storage Company (TSC) is located at 2703 South Battlefield Boulevard. Harrison Hauling Incorporated (HHI) is located at 3923 South Military Highway. Travelers Self Storage is located at 3741 South Military Highway.

### **C. Efforts to Obtain Cleanup from Potentially Responsible Party**

On August 3, 1993, notices of potential liability were sent to the Potentially Responsible Parties (PRP's) for each location.

By January 6, 1994, the soon to be new owners of the TSS facility had communicated with EOSC Thomas of their intent to take responsibility for the asbestos clean up at that location. The EOSC also secured verbal agreement with the Navy to perform asbestos removal at the HHI

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facility. Both PRP's agreed to perform the necessary work and Administrative Orders were not entered with either party. Prior to the commencement of work, OSC Steuteville received and reviewed all work plans and required that the OSC be notified of work progress and be notified prior to the commencement of on-site work in order to arrange on-site oversight of clean-up operations. During the week of March 14, 1994, the representative for TSS informed OSC Steuteville that TSS had secured a contractor for the clean-up at the facility; work would include asbestos removal and proper disposal of paint and oil cans also in the storage box. On March 21, 1994 the Department of the Navy, apprised OSC Steuteville that site access, funding, and a clean-up contractor had been secured for the cleanup at the HHI facility.

In order for the EPA to assure proper and timely clean-up at the TSC facility, an Administrative Order by Consent (A.C.) was sent to the PRP by EOSC Thomas on December 01, 1993. On January 26, 1994 Removal funds were allocated for the EPA to proceed with the clean-up at the TSC facility. The PRP had previously given verbal intent to take responsibility for clean-up, but had not continued communication with the EPA. The PRP had not provided any indication that work could or would be performed. OSC Steuteville began preparations for the clean-up, and Removal funds were expended for the set up of an asbestos removal at the facility. After initial funds, used for set up and planning, had been expended, the PRP signed and returned the A.C. to the EPA. On March 29, 1994, after the EPA reviewed the PRP's work plan and performed a compliance check on the intended disposal facility, the PRP arrived on-site to begin asbestos removal activities. The cleanup of the TSC facility was conducted under unusually close oversight due to the nature of the allegations against the individual performing the work. This oversight assured proper performance and disposal.

## **II. ROSTER OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS**

### **A. Names and Addresses**

<b>AGENCY</b>	<b>CONTACT</b>	<b>BRIEF DESCRIPTION OF DUTIES</b>
<b>FEDERAL</b>		
U.S. EPA - Region III Eastern Response Section 841 Chestnut Building Philadelphia, PA 19107 215-597-6678	William D. Steuteville, OSC	Coordinated site activities to the successful completion of the project.
U.S. EPA - Region III Eastern Response Section 841 Chestnut Building Philadelphia, PA 19107 215-597-9800	Christopher Thomas, EOSC	Coordinated initial enforcement and inter-agency investigation.

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AGENCY	CONTACT	BRIEF DESCRIPTION OF DUTIES
U.S. EPA Region III CERCLA Removal Section 841 Chestnut Street Philadelphia, PA (215)597-9800	Rich Messimer, SAO	Assisted the OSC with cost tracking and administrative duties.
U.S. EPA Region III Office of Regional Council 841 Chestnut Street Philadelphia, PA (215)597-9800	Judith Hykell, Esq.	Provided legal counsel during PRP attempts to impede Removal Actions through legal means.
U.S. EPA Region III CID 841 Chestnut Street Philadelphia, PA (215) 597-1681	Robin Traub	Lead for CID investigation.
U.S. EPA Region III NESHAP Compliance 2530 Riva Road, Suite 300 Annapolis, Maryland (410) 224-0954	Richard Dibble, NESHAP Compliance Inspector	Provided regulatory guidance during inter-agency investigation.
Federal Bureau of Investigation 200 Granby Street Room 839 Norfolk, Virginia 23510 (804) 623-3111	Michael F. McMahon, Special Agent	Lead for investigation.

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AGENCY	CONTACT	BRIEF DESCRIPTION OF DUTIES
STATE AND LOCAL		
Virginia Department of Environmental Quality 18th Floor, Monroe Building 101 North 14th Street Richmond, Virginia 23219 (804)225-2364	K.C. Das, Director, Superfund Programs	State Regulations contact.
Virginia Department of Labor and Industry Power Taylor Building 13 South 13th Street Richmond, Virginia 23219 (804)786-8009	Anna Jolly, Asbestos Supervisor	Provided the OSC with ACM removal guidelines and regulations.
City of Chesapeake Fire Marshals Office P.O. Box 15225 Chesapeake, Virginia 23328 (804) 547-6566	Greg Orfield, Fire Inspector/Investigator	Local contact and provided Site background.
Contractors		
Roy F. Weston, Inc. 5 Underwood Court Delran, NJ 08075 (609)461-4003	Libby Levy, Site Lead Technical Assistance Team	Assisted OSC with all technical aspects of the project, site safety, cost tracking, contractor monitoring, and formal reports.
Environmental Tech., Inc. Emergency Removal Contractor Services 3705 Saunders Ave. Richmond, VA 23227 (804)358-5400	John Bourett, RM	Responsible for coordination of manpower and equipment to mitigate the threat at the site. Prepared work plan and safety plan.

**B. Glossary of Abbreviations and Definitions**

ACM	Asbestos-Containing Materials
ACP	Asbestos Competent Person

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APM	Asbestos Project Monitor
ARAR	Applicable or Relevant and Appropriate Requirements
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980; amended by SARA.
EPA	Environmental Protection Agency
ERCS	Emergency Response Cleanup Services; under EPA Contract
ETI	Environmental Technology of North America, Inc.
HEPA	High Efficiency Particulate Air (filter)
NCP	National Contingency Plan
NPL	National Priorities List
ORC	Office of Regional Council
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
POLREP	Pollution Report
PRP	Potentially Responsible Party
RM	Response Manager
RRC	Regional Response Center
RQ	Reportable Quantity
SARA	Superfund Amendments and Reauthorization Act of 1986
TAT	Technical Assistance Team; under EPA Contract
T&D	Transportation and Disposal
VA DEQ	Virginia Department of Environmental Quality
VA L&I	Virginia Labor and Industry

### III. NARRATIVE OF EVENTS

The Chesapeake Asbestos Site consists of three separate locations in Chesapeake Virginia, including Harrison Hauling, Inc. (HHI), Travelers Self Storage (TSS), and Tidewater Storage Company (TSC). The HHI and TSC locations housed trailers and the TSS location housed a rental storage unit that contained illegally dumped asbestos containing materials and other asbestos contaminated materials. Based on conditions at the Site, EPA obligated and expended funds to provide for the proper removal and disposal of the asbestos. Investigations by Department of Justice, EPA and Navy were responsible for identifying the PRP's at each location. PRP's for each location (3) agreed to perform the proper removals. All asbestos removal and disposal was completed by the PRP for each location. EPA provided oversight of the removal activities at each location.

### IV. RESOURCES COMMITTED

#### A. Initial Funding Request

On January 26, 1994, the Acting Regional Administrator approved the Request for Funds for a Nationally Significant CERCLA Removal Action for the Chesapeake Asbestos Site. Because asbestos was the primary hazardous substance at the Site, it is a Nationally Significant Removal Action pursuant to OSWER Directive 9360.0-19. As required, Region III obtained the

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concurrence of the EPA Headquarters, Director of the Office of Emergency and Remedial Response (OERR), on January 18, 1994, prior to Region III approving the funding.

The proposed actions in the funding request were designed to eliminate the threat posed to human health, welfare and the environment by the presence of hazardous substance(s) at all three locations (Site). The proposed actions included: repackaging and containment of the ACM for transportation and disposal at a licensed disposal facility, removal of potentially contaminated dusts from trailers and storage units, air monitoring/sampling during removal activities, and the assessment and proper disposal of other hazardous substances found.

**B. Estimated Total Cost Summary**

**Extramural**

ERCS	\$ 6,723
TAT	<u>10,119</u>
Extramural Subtotal	\$ 16,842

**Intramural**

EPA Direct	\$ 4,094
EPA Indirect	<u>6,624</u>
Intramural Subtotal	\$ 10,718

Total Project Cost (estimated)      \$ 27,560

Project Ceiling:      \$372,750

(Only 7 percent of the total ceiling was expended.)

**V. EFFECTIVENESS OF THE REMOVAL**

**A. Activities of the Various Agencies**

**1. Potentially Responsible Parties**

Clean-up at all three locations was completed by PRPs. Verbal agreements for clean-up were made with the EPA and PRP's for the HHI and TSS locations.

Clean-up at the HHI location was performed by the Department of the Navy, Norfolk Public Works Base, which supplied the personnel and equipment and arranged final transportation and disposal.

The owners of the TSS location contracted East Coast Abatement, of Chesapeake, Virginia to perform the clean-up and transportation and disposal of the ACM and other miscellaneous wastes (paint, oil and HCl acid) found in the storage box.

The asbestos clean-up at the TSC location was performed by PRP Hugh Ashley, after signing an Administrative Consent Order by Agreement with the EPA.

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## 2. Federal Agencies

The oversight of this project was coordinated by the U.S. EPA Region III, Superfund Removal Branch. William Steuteville served as the Federal On-Scene Coordinator of the project and directed all removal activities. OSC Steuteville closely coordinated with other EPA personnel, State, and local agencies, all PRPs and their representatives, as well as directed the daily activities of ERCS and TAT.

Enforcement OSC Chris Thomas coordinated the initial site investigation with the EPA, Department of Justice and Navy. EOSC Thomas also conducted initial investigations and coordinated with the PRP's in order to secure verbal agreements for two of the three PRP's to perform the asbestos removal activities.

EPA CID Robin Traub coordinated EPA involvement during inter-agency investigation. CID Traub provided OSC with background information. CID had requested EPA Removal Branch assistance during the inter-agency sampling event and thereafter.

SAO Rich Messimer assisted the OSC with contractor issues and site cost tracking.

Attorney Judith Hykell, of the U.S. EPA Region III Office of Regional Council, provided legal support during the initial assessment and Removal Action.

FBI Special Agent Michael McMahon coordinated PRP investigations and remained involved with the Site during the inter-agency sampling event and during PRP clean-up at all locations.

## 3. State and Local Agencies

Virginia Licensing and Inspection (VA L&I), which is responsible for asbestos regulation in Virginia, referred the Site to EPA. The VA L&I also provided the OSC with the State ARAR's for worker safety, handling, transportation and disposal of asbestos.

City of Chesapeake, Fire Marshals Office, had been conducting an investigation of the Harrison Hauling location prior to EPA involvement. The Office supported the inter-agency effort by assisting with securing the trailers at all of the Site locations. After EPA became involved, the Office continued to provide site background information.

## 4. Contractors

The Roy F. Weston, Inc. Technical Assistance Team (TAT) personnel were responsible for site safety, progress monitoring and documentation, and sampling of bulk ACM in the trailers. TAT advised the OSC on technical issues such as State asbestos regulations and the transportation and disposal of wastes, and the cost effectiveness of all site activities.

Environmental Technology, Inc. (ETI), served as the primary cleanup contractor under the Emergency Removal Cleanup Services (ERCS) mechanism necessary to complete the project if the PRP's were not prepared to conduct the clean-up at all three site locations.

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**B. Analytical Synopsis**

On March 18-19, 1993, US EPA On-Scene-Coordinator William Steuteville, along with members of EPA Region III Technical Assistance Team (TAT), performed an initial Site Assessment and sampled the suspected asbestos-containing materials found at the site.

Sample Number	% Asbestos	Location
IA1	10% Chrysotile	Harrison Hauling - Trailer A
IA2	10% Chrysotile	Harrison Hauling - Trailer A
IA3	None Detected	Harrison Hauling - Trailer A
IA4	15% Chrysotile	Harrison Hauling - Trailer A
IB1	30% Amosite and 10% Crocidolite	Harrison Hauling - Trailer B
IB2	15% Chrysotile and 15% Crocidolite	Harrison Hauling - Trailer B
IB3	10% Chrysotile and 15% Crocidolite	Harrison Hauling - Trailer B
IIA1	15% Chrysotile and 10% Amosite	Travelers Self Storage
IIA2	Trace amounts of Chrysotile	Travelers Self Storage
IIA3	10% Chrysotile and 25% Amosite	Travelers Self Storage
IIIA1	25% Chrysotile	Tidewater Storage Co. - Trailer A
IIIA2	35% Amosite	Tidewater Storage Co. - Trailer A
IIIA3	10% Chrysotile	Tidewater Storage Co. - Trailer A
IIIB1	None Detected	Tidewater Storage Co. - Trailer B
IIIE1	35% Chrysotile	Tidewater Storage Co. - Trailer E
IIIE2	35% Amosite	Tidewater Storage Co. - Trailer E
IIIF1	40% Chrysotile	Tidewater Storage Co. - Trailer F

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## VI. CHRONOLOGY OF EVENTS

This section presents a summary of the events as they occurred during EPA Superfund involvement with the Site. Information was derived from POLREPs, site logs, photo-documentation, and other site related documentation. As POLREPS are maintained in the EPA RRC, copies have not been included but may be obtained per the Freedom of Information Act.

### Tuesday, May 18, 1993

A joint task force, consisting of the EPA, Department of the Navy, Department of Justice, and the Chesapeake Fire Marshal's Office personnel was established to investigate the three storage locations. OSC Steuteville and TAT personnel were on-site to provide sampling and technical support to the task force.

The task force arrived at the HHI facility to photo document and obtain samples of the bulk Suspected Asbestos Containing Materials (SACM). The site was found to have two semi trailers loaded with suspected ACM in bags and poly wrapping. Seven samples were collected by the task force and three samples were split for analysis by EPA.

The task force then proceeded to the Travelers Self Storage location. One storage box was found to contain bagged and wrapped SACM. Paint and oil cans were also noted in the storage box. Three samples of SACM were obtained for the task force.

### Wednesday, May 19, 1993

The task force met and proceeded to the TSC facility. Five trailers were found to contain SACM in bags and wrap, and asbestos abatement equipment was also noted in the trailers. Seven samples were obtained for the task force and three of these samples were split for analysis by EPA.

OSC Steuteville consulted with EPA ORC regarding the possibility of Superfund involvement following task force activities. ORC advised the OSC that upon completion of task force activities, the OSC could pursue Removal Assessment and Response as necessary.

Based on observations while assisting the task force, the OSC determined that the three locations warranted a Removal assessment. After discussion with the ORC, it was determined that all three locations could and would appropriately be considered one Site for purposes of CERCLA response activity.

### Thursday, May 20, 1993

OSC and TAT revisited all three locations to obtain assessment information. At each location the OSC informed the property owners of EPA involvement in the investigation and possible future actions which might be taken by EPA.

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**January 6, 1994**

Notices were previously sent to Potentially Responsible Parties (PRP's) for each facility. Region III Enforcement secured verbal agreement with the Navy, to clean-up the Harrison Hauling location, and the owners of Travelers Self Storage for the clean-up of the Travelers location. Work Plans were also submitted by the respective PRP'S for the clean-up of these facilities. PRP Ashley, for TSC, had not continued communication with the EPA and a secured verbal agreement had not been reached. A consent order was then prepared by EPA Enforcement and sent to the PRP.

**Tuesday, January 18, 1994**

A Nationally Significant Action Memorandum for Asbestos Removal was concurred on by EPA Headquarters.

**Wednesday, January 26, 1994**

Region III Regional Administrator signed the Action Memo, obligating funds for a Removal Action at the Site.

OSC Steuteville had provided notice to the Federal Trustees (NOAA AND DOI) and EPA had determined that Site activities would not impact endangered species.

Enforcement OSC Thomas was reassigned to other Regional duties. OSC Steuteville to undertake both Response and Enforcement responsibilities.

**Wednesday, February 2, 1994**

OSC tasked TAT to monitor all PRP activities and monitor and assist with the funded Response Actions. On this same date, a Delivery Order was approved to activate ERCS for Response Actions.

After repeated delay, Hugh Ashley, PRP for TSC, had not submitted a signed Administrative Consent Order by Agreement, as promised. Enforcement OSC Thomas advised OSC Steuteville of the need to activate Removal Response Actions.

**Tuesday, February 8, 1994**

EPA received a signed Consent Order from PRP Ashley. Ashley had previously submitted a Work Plan which was approved by Enforcement OSC Thomas. After discussion with Region III management, OSC Steuteville decided to proceed with Response planning activities and expenditure of funds to prepare mobilization, work plans, sub-contracting and disposal to the Site (TSC). EPA would allow Ashley to perform response actions if the activities are conducted in a timely manner.

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**Thursday, February 10, 1994**

The OSC met with FBI Special Agent Michael McMahon at the Site to coordinate Response Activities.

**Friday, February 11, 1994**

The OSC and ERCS RM met at the Site to discuss plans for Removal Actions at the Site.

**Tuesday, February 15, 1994**

OSC, TAT, and ERCS RM hold meeting via conference call at EPA to establish roles and responsibilities for contractors and to establish work plans for asbestos removal at the Site.

**Friday, February 18, 1994**

ERCS RM Bourett continued to prepare a work plan and to plan and locate asbestos removal equipment and asbestos trained personnel. ERCS also continued to make necessary arrangements for Site, but was directed by the OSC not to award any sub-contracts.

TAT continued to review work plans and appropriate State asbestos regulations.

**Monday, March 14, 1994**

Dean Sword, attorney for PRP Travelers Self Storage (TSS) notified OSC during the week of March 14, that TSS has secured a clean-up contractor for the asbestos removal and clean-up of the paint and oil cans. The clean up contractor to contact the OSC with a schedule and work plan.

**Tuesday, March 15, 1994**

ERCS completed a Site Work Plan for Asbestos Removal at the Tidewater Storage (TSC) facility.

**Wednesday, March 16, 1994**

The Department of the Navy, PRP for the Harrison Hauling, Inc. (HHI) location by virtue that Navy asbestos had been dumped at the location by a contractor to the Navy (Navy was unaware and did not condone the dumping and was, in part, responsible for identifying the dumpers), contacted the OSC on March 16 to confirm that the Navy has secured funding, a clean-up contractor, and site access from HHI.

**Thursday, March 17, 1994**

TAT and ERCS RM reviewed Work Plan developed by ERCS and additional Scope of Work procedures developed by TAT.

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**Thursday, March 24, 1994**

A compliance check with the state of South Carolina for the disposal facility to be used by PRP Ashley was obtained. The state reported that the facility was inspected approximately 2 months ago and that it was in compliance with state and federal NESHAP regulations.

**Monday March 28, 1994**

**TSC Location:**

OSC Steuteville, FBI, TAT and PRP met at the Tidewater (TSC) location. PRP Hugh Ashley to begin clean-up at this location pursuant to a CERCLA Administrative Order by Consent. The order was signed after OSC activated ERCS and began expenditure of response funds.

The OSC determined that until PRP Ashley (TSC location) completes work, EPA funds will not be de-obligated. ERCS will remain on stand-by status and will continue to arrange the necessary work plans and bids, but not award any sub-contracts at this time.

The FBI retrieved their 15 locks from all storage trailers and the locks were replaced by EPA. All PRP work to be completed with OSC and/or TAT on-site.

OSC found a nesting plover (killdeer) protecting four eggs in the parking area approximately 5 feet from an asbestos trailer. Barricades were set-up and all personnel advised of the bird nest.

**HHI location:**

The OSC and TAT met with Department of the Navy representative John Norman at the Norfolk Naval Base.

**Tuesday, March 29, 1994**

**TSC Location:**

At 1330 hours PRP Ashley and 2 asbestos workers arrived on site. PRP Ashley had scheduled a start time of 1100 hours this date but arrived at 1330 hours. PRP assured the OSC that he would meet his scheduled completion date of April 5, 1994. Restricted areas and a decon trailer were set up.

Asbestos personal and area air samples collected by asbestos supervisor or PRP Ashley during all operations. PRP Ashley determined that an asbestos project monitor would not be used at this site.

Operations to re-bag asbestos containing material staged in the trailers began. All bagged ACM was placed into a new bag due to possible bag exterior contamination, poor bag integrity and outdated D.O.T. markings on the bags. Operations consisted of wetting down bags with spray bottles and wet-wipe methods and then placing in a new bag and goose-neck sealing the outer bag. Fiber drums were wet-wiped and removed from the trailers.

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**Wednesday, March 30, 1994**

**TSC location:**

A 48 foot stainless steel transport trailer was staged on-site. All bagged and drummed ACM to be transported in this trailer directly to the disposal facility in South Carolina.

**TSS Location:**

OSC Steuteville talked by telephone with TSS bankruptcy trustee lawyer, Dean Sword, who advised the OSC that the trustee has released funds to remove the asbestos. The OSC requested that removal work begin as soon as possible.

**Thursday, March 31, 1994**

**TSC Location:**

All bagged ACM and fiber drums in the 5 smaller trailers re-bagged and staged on-site outside of the trailers. Approximately 250 bags were generated.

**HHI Location:**

John Norman reported that electrical utilities hook-ups to be installed next week. Asbestos removal operations to start upon completion of these actions.

**Friday, April 1, 1994**

**TSC Location:**

The semi-trailer containing bagged ACM was restaged to allow for access. Opened bags of ACM were found in this trailer and the approved work plan specified that a containment attached to a three stage decon trailer would be built.

**TSS Location:**

East Coast abatement, clean-up contractor for TSS, contacted TAT to report that work could be started and completed during the evening of 4/5 or 4/6/94.

**Saturday, April 2, 1994**

**TSC Location:**

The containment, which attached the contaminated trailer to the decon and transport trailer was begun on Friday and completed on Saturday 4/2/94.

After containment was completed, bagging operations began in the trailer. Approximately 100 bags were generated and staged directly in the transport trailer.

**Monday, April 4, 1994**

**TSC Location:**

Upon learning that PRP Ashley had only worked 2-3 hours per day and continued to arrive late to site during the preceding days since the OSC last visited site, the OSC contacted PRP Ashley

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and reminded him of stipulated penalties in the Administrative Order for failure to meet the approved schedule. The schedule submitted by PRP Ashley and approved by EPA called for completion by 4/5/94. The OSC confirmed that EPA still required completion by 4/5/94. Ashley indicated that he would try to achieve the schedule. The OSC reminded Ashley of repeated tardiness and short work days and that such work practices would preclude any schedule extensions by EPA.

The work crew arrived at the scheduled start time of 1630 hours. PRP Ashley arrived at 1730 hours. Upon arrival at site, minor repairs were completed on the containment and asbestos removal operations continued. Approximately 75% of the contents of the trailer was properly bagged and staged in the transport trailer.

**HHI Location:**

The Navy is constructing an 8-foot high fence around the trailers and decon area. A platform is to be built outside each of the trailers to gain access through a containment.

Arrangements were made with FBI McMahon to be on site at 1615 hours on Wednesday 4/6/94 for FBI to retrieve its locks.

**Tuesday, April 5, 1994**

**TSC Location:**

PRP provided results of air sampling from 3/29-3/31/94. All results were below 0.01 fibers per cc. One personal sample was  $< 0.014$  f/cc and all other samples were  $< 0.009$  f/cc. Based on this information, Ashley decided that the work crew would downgrade respiratory protection from powered air purifying respirators (PAPR) to half face masks.

Bagging operations were completed at 2200 hours. A spray sealant was then applied to the interior of the trailer.

All PPE, containment poly, and negative air machine filter was bagged for disposal.

The 48 foot transport trailer was then loaded to capacity with bags that had been staged on the ground outside the trailer. Approximately 150 bags could not fit into the transport trailer. The crew departed the site at 2330 hours.

All 6 trailers were then wet wiped for decontamination and spray sealant was applied as appropriate. After sealant applied and dried, Ashley collected 1 hour high volume air samples to be laboratory analyzed by PCM method for asbestos fiber counts.

EPA placed a lock on the 48 foot transport trailer. The lock will remain in place until the truck departs the site and is transported to the designated disposal facility. Ashley hoped that disposal would occur by Friday, 4/8/94. South Carolina has a ten-day waiting period which Ashley believed would be waived.

All samples collected by 0045 hours 4/6/94 and OSC, TAT, and Ashley departed the site.

**Chesapeake Asbestos Site  
Federal On-Scene Coordinator's Report  
Page 15**

**TSS Location:**

East Coast Abatement, Rick Webb, arrived on-site and the work plan was reviewed with the OSC and TAT. Work was confirmed to begin on Wednesday 4/6/94 at 1630 hours.

**Wednesday, April 6, 1994**

**TSC Location:**

PRP Ashley provided results of air sampling taken in the storage trailers on 4/6/94. One sample was  $< 0.012$  f/cc and all other samples were  $< 0.009$  f/cc. Trailer IIC did not contain bagged ACM and was not sampled.

The lock on the 48 foot transport trailer will remain in place until the truck departs the site and is transported to the designated disposal facility.

At 1715 hours OSC and PRP Ashley left the TSS location and proceeded to the TSC location for an inspection of the trailers. The OSC inspected the interiors of the trailers. Based upon sample analyses and visual inspection, the OSC determined that PRP Ashley had achieved appropriate clean-up of the interiors of the trailers. EPA will unlock the trailers and release control to Ashley when the ACM is removed from the Site.

**HHI Location:**

At 1615 hours the OSC, FBI, and TAT inspected the progress at this location. The fence was built and lumber was inside the fence to be used for the platforms. The power utility pole was also on-site.

FBI McMahon retrieved the locks and the outer gate to the fence was re-locked with the Navy lock.

**TSS Location:**

At 1600 hours, OSC, FBI, and TAT arrived at the Site. The FBI reclaimed its lock and the EPA placed a new lock on the storage box.

At 1630 hours, the PRP's contractor, East Coast Abatement, arrived on site with all equipment and a work crew. A regulated area was set-up and work proceeded with double suit PPE and half-face respirators.

All asbestos materials consisted of floor tiles in red bags and fiber drums. The outdated bags were placed in new bags and drums were wet-wiped before being staged in a transport trailer. All materials in the storage box were sprayed with water as work proceeded.

East Coast collected one area and one personal air sample.

Usable equipment from the storage box was retrieved by East Coast and transported off-site. Unusable equipment was moved to another storage box to be left on-site.

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During operations, a 30 gallon poly drum labeled corrosive hydrochloric acid was found. The drum appeared to be in good condition. TAT opened the drum and obtained an acid ph reading. The drum was staged separately on poly and placed back in the storage box upon completion of operations.

Approximately 30 5-gallon and 30 1-gallon and smaller containers were found staged in the storage box. The materials consisted of sealers, primers, enamels, zinc based paints, epoxy, and oils and are the responsibility of the site owner to arrange for proper disposal.

Based on the contents of the drums and containers, East Coast decided to leave the materials in the trailer and consult with attorney Dean Sword before taking further action.

By 1930 hours the box was cleared of asbestos materials and the interior was sprayed with sealant. The operations generated 36 bags and 16 fiber drums. There were originally 21 drums but 5 were of poor integrity and the contents of the drums were re-bagged. The broken drums were also bagged for disposal.

At 1940 the box was re-locked, asbestos warning signs posted and all personnel and equipment demobilized.

**Thursday, April 7, 1994**

**TSS Location:**

East Coast reported that attorney Dean Sword was on vacation and that Mr. Sword would be responsible for determining further action in regards to the drums and containers found in the storage box.

East Coast reported that all 36 bags of asbestos waste were transported for disposal at the designated facility in South Carolina. The 16 drums did not fit on the transport trailer (drums staged at East Coast) and will be disposed of within 30 days.

**Friday, April 8, 1994**

**TSC Location:**

PRP Ashley continuing to make arrangements for disposal in South Carolina. South Carolina requires a ten day waiting period for asbestos waste generated out of state, but Ashley believed this requirement would be waived. However, Ashley reported that he had not yet sent in the initial notification for the waste.

The TSC facility manager was apprised of all activities to date and that the asbestos waste was not to leave the site until EPA returned to the Site with Ashley for transportation and disposal.

TAT contacted PRP Ashley to inform him that the bags staged outside the trailer needed appropriate poly or tarp covers. Ashley was also informed that the deadline for removal of the asbestos to an acceptable disposal facility is 4/15/94 (10 days after the approved schedule completion date of 4/5/94, which corresponds to the South Carolina ten-day notification period).

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**HHI Location:**

TAT was on site to monitor the progress made by the Department of the Navy. Since the last visit on 4/6/94 the Navy had delivered more wood for the construction of an access platform for the trailers.

Navy foreman reported that construction of the platform would begin on Monday.

**TSS Location:**

East Coast obtained an air monitoring sample from inside the storage box. The sample results will be provided to the EPA.

An EPA lock was placed on the storage box and a copy of the key was left with East Coast.

**Wednesday, April 13, 1994**

**TSC Location:**

PRP Ashley informed the OSC that State approval for disposal of the ACM at the South Carolina facility was received.

Arrangements were made for PRP Ashley and TAT to meet on-site on Thursday 4/14/94. PRP Ashley to have a second trailer on-site for the remaining bagged ACM. OSC Steuteville informed PRP Ashley that TAT would follow both transport trucks to the disposal facility.

**Thursday, April 14, 1994**

**TSC Location:**

PRP Ashley and TAT met at the Site. The bagged ACM that did not fit into the 48 foot trailer was loaded into a rental truck to be driven by Ashley to the disposal facility. By 1230 hours all bags were loaded into the rental truck. At 1900 hours the locks were removed from all of the trailers; three locks were returned to the TSC manager. PRP Ashley replaced his own lock on the 48 foot transport trailer.

Due to the 48 foot trailer driver's schedule, transport of both trucks was delayed until 2100.

**HHI Location:**

TAT was on Site to monitor the progress made by the Department of the Navy. Since the last visit on 4/8/94 the Navy had begun construction of the platform, hooked up electrical power, completed the fence, and mobilized a decon trailer and two dumpsters.

**TSS Location:**

Attorney Dean Sword determining further action in regards to the drums and containers of oils, paints and HCl acid found in the storage box.

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Federal On-Scene Coordinator's Report  
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**Friday, April 15, 1994**

**TSC Location:**

At 1000 hours both trucks and TAT arrived at the disposal facility, Carolina Grading Inc. of Eastover, South Carolina. The two trucks contained at total of approximately 120 cubic yards of bagged and drummed ACM. By 1300 hours both trucks were off-loaded, manifests were signed and all personnel demobed.

**Monday, May 9, 1994**

**HHI Location:**

TAT was on Site to monitor asbestos activities. John Norman, Navy Industrial Hygienist Brian Knerr, and five crew personnel were on-site.

Operations consisted of wetting and placing a proper bag or plastic wrap over the previously bagged asbestos containing materials in the trailers.

As of Saturday, 5/7/94, the Navy had emptied the first trailer. A total of four, 40 cubic yard dumpsters were filled, and two of these dumpsters were transported off-site for proper disposal. The designated disposal facility is located in Chatham, Virginia.

Initial air samples were collected on April 22 and April 23, 1994 by Navy IH Knerr. All 30-minute personal sample results were  $< 0.055$  fibers/cc. The area sample results were all  $< 0.004$  fibers/cc based on an 8-hour time-weighted average.

**TSS Location:**

Attorney Dean Sword informed the OSC that the drums and containers of oils, paints and HCl acid found in the storage box have been properly disposed and that written confirmation will be provided to the EPA.

**Thursday, May 26, 1994**

**HHI Location:**

Tat was on-site to monitor activities. All bagging operations completed this date.

**Saturday, May 28, 1994**

**HHI Location:**

Final wipe down of both trailers completed.

**Monday, June 6, 1994**

**HHI Location:**

On June 3, 1994, spray encapsulant was applied to the trailers. On June 4, break-down of containment and work areas was completed for demobilization. On this date, June 6, 1994, final air samples were collected.

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Federal On-Scene Coordinator's Report  
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A total of 124,000 pounds of ACM was disposed of at the designated and permitted disposal facility in Chatham, Virginia.

**Tuesday, October 4, 1994**

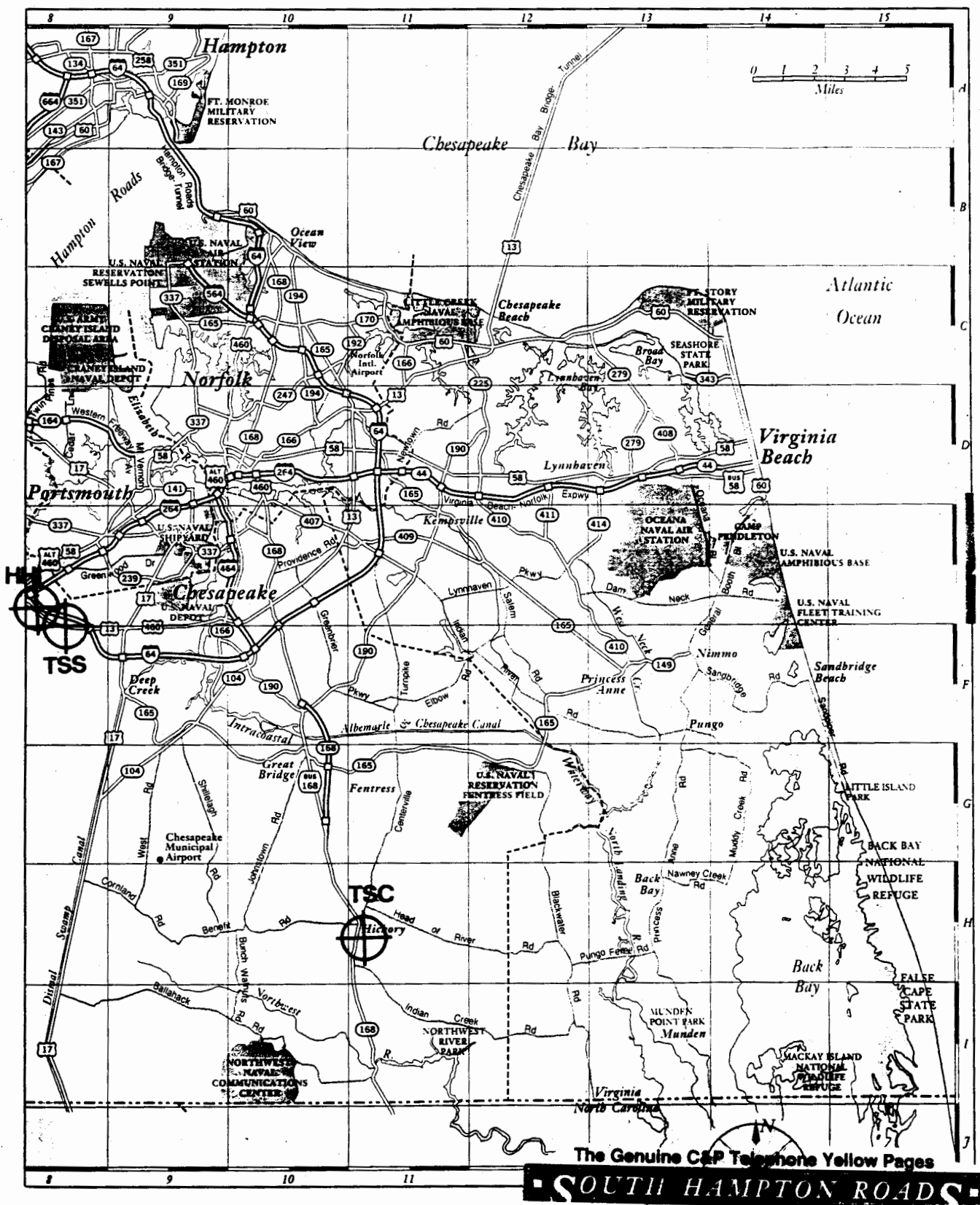
PRP Ashley, sent a letter to EPA documenting completion of asbestos removal activities at the TSC location, as specified in the Consent Order. All PRP final letters documenting completion of activities have been received as of this date.

**VII. PROBLEMS ENCOUNTERED AND RECOMMENDATIONS**

There were no significant problems encountered. Several delays were caused by the PRP schedule and budget problems. The OSC had to closely monitor the schedule and provide timely warnings to keep the schedule moving. The majority of the work was performed by one of the parties who allegedly abandoned the wastes contrary to Federal and Commonwealth law. The OSC was very cognizant of the need of assuring adherence to proper asbestos handling, safety and disposal procedures. In order to do this, the OSC arranged for full-time coverage of all Site activities by TAT Contractor. The OSC even went so far as to have disposal scheduled in such a way that the trucks were followed to the permitted disposal landfill and off-loading observed by TAT personnel. Thereby, EPA is absolutely certain the asbestos wastes were properly disposed rather than abandoned improperly, again.

These three facilities were all active commercial businesses. The OSC dealt with very specific and discrete problems at these three locations and the three problems were fully addressed and mitigated. The OSC is unaware of any other problems at the any of these facilities and has no reason to suspect any such problems exist. However, the OSC does not represent that these facilities are free of problems unrelated to the abandonment of asbestos addressed by EPA.

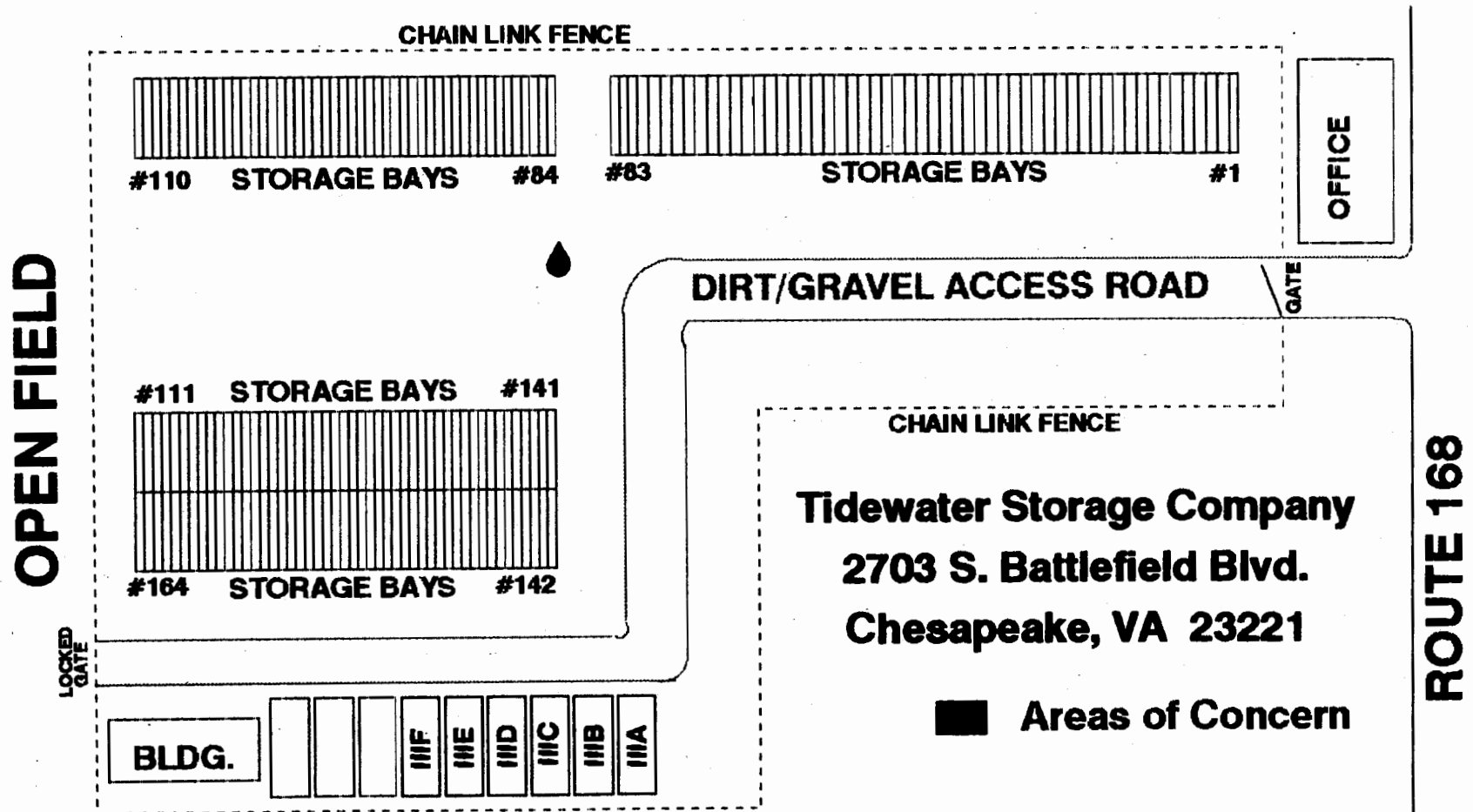
## APPENDICES



ORIGINAL  
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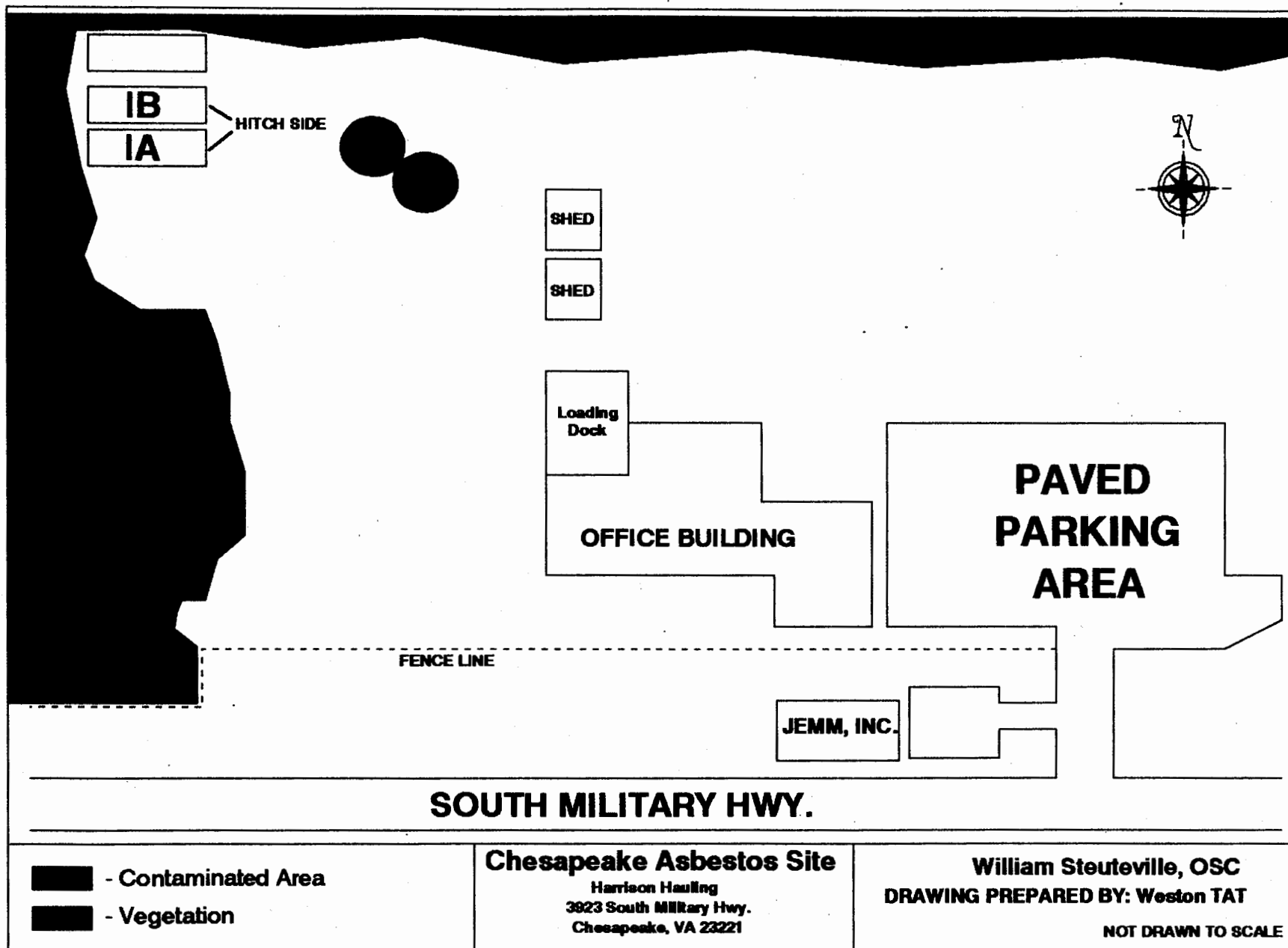
# Chesapeake Asbestos Site

William Steuteville, OSC

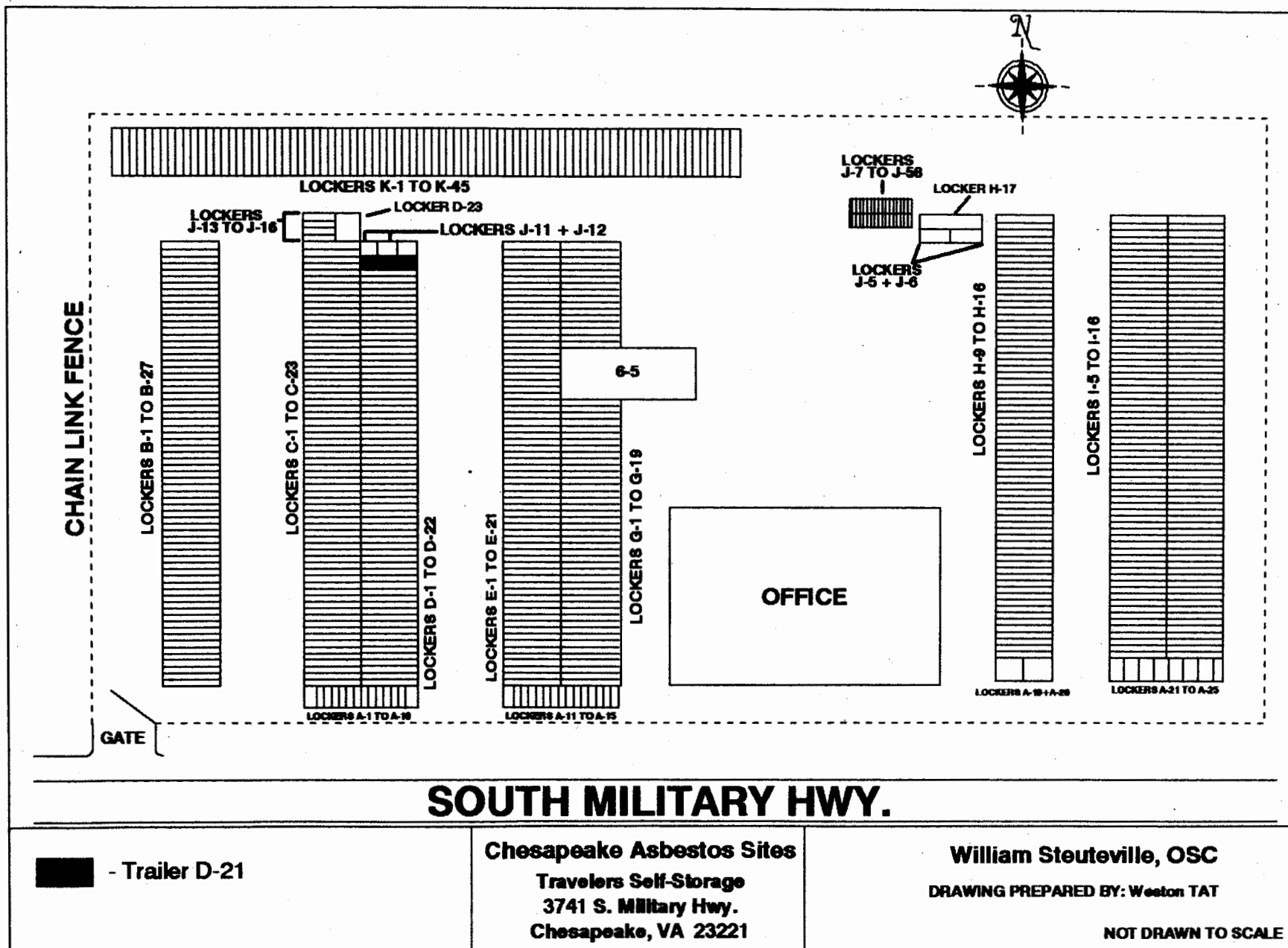


NOT DRAWN TO SCALE

Prepared by Weston TAT



ORIGINAL  
(Red)



**Chesapeake Asbestos Site  
Federal On-Scene Coordinator's Report  
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**B. Funding Documents**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

JAN 26 1994

**SUBJECT:** Approval of a Nationally Significant or  
Precedent-Setting CERCLA Removal Action  
Chesapeake Asbestos Site  
Chesapeake, Chesapeake County, Virginia

**FROM:** Stanley L. Laskowski *W. Laskowski*  
*for* Acting Regional Administrator (3RA00)

**TO:** Elliott Laws, Assistant Administrator  
Office of Solid Waste and Emergency Response (OS-100)

**THRU:** Henry Longest II, Director  
Office of Emergency and Remedial Response (OS-200)

**ATTN:** Deborah Y. Dietrich, Acting Director  
Emergency Response Division (OS-210)

**ISSUE**

The attached CERCLA funding request pertains to three locations, Harrison Hauling, Travelers Self Storage, and Tidewater Storage, all collectively known as the Chesapeake Asbestos Site all of which are located in Chesapeake, Chesapeake County, Virginia. An assessment performed in conjunction with an FBI investigation and in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 CFR Part 300, has identified an imminent and substantial threat to public health and the environment due to the release of a hazardous substance at the Site. Asbestos at the Site is a potential threat to persons living near or using the Site.

Because conditions at the Site meet removal criteria set forth in the NCP, Section 300.415, and pursuant to Delegation of Authority 14-1-A giving the Regional Administrator authority to approve CERCLA Removal Actions with a total cost of less than \$2 million and completion within 12 months, Region III has approved the use of CERCLA funds in the amount of \$372,750, of which \$270,000 are Regional Allowance Costs, to mitigate the release of asbestos and the potential threat to public health and the environment. This is a Nationally Significant or

05/16/88  
(Red)

Precedent-Setting Removal Action pursuant to OSWER Directive 9360.0-19 because asbestos is the primary hazardous substance of concern. The Director of the Office of Emergency and Remedial Response has concurred on this Funding Request.

Attachment: Request for Funds for a Nationally Significant or Precedent-Setting CERCLA Removal Funding Request



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

JAN 26 1994

**SUBJECT:** Request for Funds for a Nationally Significant or  
Precedent-Setting CERCLA Removal Action  
Chesapeake Asbestos Site  
Chesapeake, Chesapeake County, Virginia

**FROM:** William D. Steuteville, On-Scene Coordinator  
Western Response Section (3HW32)

**TO:** Stanley L. Laskowski  
Acting Regional Administrator (3RA00)

**THRU:** Abraham Ferdas, Associate Division Director  
for Superfund Programs (3HW02)

**I. ISSUE**

A removal assessment performed in conjunction with an FBI investigation and in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, by the On-Scene Coordinator (OSC) has identified a potential threat to human health, welfare, and the environment due to the release of asbestos, a hazardous substance, at three locations, Harrison Hauling, Travelers Self Storage, and Tidewater Storage, all collectively known as the Chesapeake Asbestos Site all of which are located in the City of Chesapeake, Virginia. The OSC has determined that the Site meets the criteria for initiating a Removal Action under Section 300.415 of the NCP. Funds are needed in order to mitigate the threat to public health and the environment posed by this Site. As the result of current Site conditions, time-critical Removal Action pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, 42 USC §9604, is needed.

Because asbestos is the primary hazardous substance of concern at the Site, it is a Nationally Significant or Precedent-Setting Removal Action pursuant to OSWER Directive 9360.0-19. Region III of the Environmental Protection Agency (EPA) must first obtain the concurrence of the Director of the Office of Emergency and Remedial Response (OERR) before approving a Nationally Significant or Precedent-Setting Removal Action. A discussion of this issue is contained in Section VII below. A Memorandum requesting such concurrence is attached. Should the Regional Administrator (RA) of Region III decide to approve this Funding Request, the RA must first sign the Request for

Concurrence and submit it to EPA Headquarters (EPA HQ) for concurrence by the Director of OERR along with the unsigned Funding Request.

## II. BACKGROUND

The Chesapeake Asbestos Site consists of three locations in Chesapeake where asbestos-containing material (ACM) has been improperly disposed. The ACM has been left in trailers and storage rental units on properties belonging to parties who were apparently not involved in the asbestos abatement activities. The ACM apparently originated from asbestos abatement projects in the greater Chesapeake, Portsmouth, Norfolk, and Virginia Beach areas, including an abatement contract with the United States Navy. Hugh Ashley and his brother Dan Ashley, now deceased, were apparently involved in the abatement projects as subcontractors. Hugh and/or Dan Ashley or their employees apparently placed the trailers and ACM at these locations in 1991 and 1992. The Region III Removal Branch became aware of the Site while supporting investigators from a federal criminal investigation.

### A. Site Description

The Chesapeake Asbestos Site consists of three noncontiguous hauling/storage facilities located in Chesapeake, Virginia. The three facilities are closely linked not only by geographic proximity but because there is a similar threat from the same hazardous substance coming from potential common sources and a common potentially responsible party (PRP). Despite three separate locations, the three locations together meet the criteria for classification as one Site pursuant to the NCP. The OSC has determined that the three locations together meet the definition of a Site and will be treated as one Site for purposes of this CERCLA Removal response activity.

The first location, Harrison Hauling (HH) is located at 3923 South Military Highway. HH is a trucking business. Located at the facility are two tractor trailers which are filled nearly to the roof with bags of asbestos-containing material (ACM). The unlocked trailers are apparently very heavily burdened and sinking into the ground. One trailer is leaning precipitously to one side. Several bundles of ACM materials have fallen from the back of one of the trailers and were lying on the ground at the time of the assessment. Site access is relatively unrestricted at night and evidence of unauthorized entry was observed.

The second location, Traveler's Self Storage (TSS) is located at 3741 South Military Highway. TSS is a storage unit rental business with over one hundred free-standing transportable crates located outdoors available to the public for

rent. Storage Unit D-21 at TSS contains bags and small containers containing ACM, roof coatings, and hydrochloric acid. This container was unlocked at the time of the assessment and was accessible to anyone renting one of the more than one hundred rental units at the location, or anyone entering the facility. The roof of Unit D-21 leaked and it appears that rainwater could wash into the ground or into adjoining storage containers potentially carrying ACM into the other units.

The third facility, Tidewater Storage Company (TSC) is located at 2703 South Battlefield Boulevard. This facility is also a storage unit rental business. Located at TSC are three tractor-trailers and three utility type trailers containing ACM in the form of pipe and pipe-insulation material. There are approximately 140 units at the TSC available to the public for rent. TSC is open to unit renters by a security card, 24 hours a day. The facility operator reports that incidents of vandalism have occurred at the facility, allegedly perpetrated by children or youths who gained access to the facility.

Warning signs were in place at all three locations at the time of the assessment; however, these signs had been recently placed there by the Chesapeake Fire Marshal's Office during previous federal criminal investigations. The bags and bundles containing ACM at all three locations were in poor condition. Many ripped, torn, and unsealed bags were observed at the locations, exposing friable ACM. This exposed ACM can give rise to emissions and escape into the ambient air through various disturbances or movements. Many of the bags were not double-bagged as required by Federal and State regulations. Written materials in some of the bags identified companies, projects, and/or project locations where the Ashley Company or other companies in some way associated with the Ashleys were employed as subcontractors.

Due to the layout of the facilities the trailers and storage units containing ACM are not visible from the respective offices in each of the three locations. Even if these offices were staffed during all hours of operation, which they are not, the office personnel could not monitor access to the ACM locations. An individual seeking to enter the ACM trailers/storage units could do so unobserved.

## **B. Site Background**

Based upon a report from the Virginia Department of Labor and Industry (VAL&I), EPA Region III's National Emissions Standard For Hazardous Air Pollutants (NESHAP) Program conducted an inspection of the HH facility. During the inspection, NESHAP personnel identified suspected ACM stored or disposed at the facility improperly. NESHAP personnel contacted federal criminal

investigators. The Chesapeake Fire Marshal's Office has been conducting an ongoing investigation. Federal criminal investigators requested the technical assistance and involvement of the Superfund Removal Branch. The EPA OSC and Region III Technical Assistance Team (TAT) entered the Site on May 18 and 19, 1993, with federal criminal officials and the Fire Marshal's Office pursuant to a warrant issued by the Federal Court. The OSC and TAT conducted assessment and sampling activities in support of the multi-agency investigation. Additional assessment activities were conducted on May 20, 1993, by the OSC and TAT who returned to complete Superfund assessment activities unrelated to the multi-agency investigation.

The owners of the Site properties and the owners of the trailers (trailers not belonging to the Ashley brothers or their companies) containing ACM have been trying unsuccessfully to have the Ashleys remove the ACM. The Ashleys and/or their companies are in arrears on payment of their rental fees at the three facilities, as well as the trailers. At least one of the rental agreements specifies that failure to pay the required rental fee constitutes abandonment of the contents of the rental unit which can be sold to pay the back rent. The agencies involved are concerned and insist that any further asbestos disposal and handling activities be conducted in such a manner to ensure proper disposal of the ACM. If the ACM had been handled properly, it would not be at the Site today to pose a potential threat to public health and welfare and to the environment.

#### **C. Quantities and Type of Substances Present**

Two forty-five foot long by eight-foot high trailers at Harrison Hauling facility are filled to within one or two feet of the ceiling with bags, rolls, bundles, and insulated pipe. Most or all of the bags are labeled Asbestos and appear to contain roofing materials and some insulation materials. A total of 274 bags, rolls, and bundles are visible at the top of the trailers. Analysis of the suspected ACM confirmed the presence of asbestos.

At Traveler's Self-Storage facility, Trailer D-21 contains bags, drums, and small containers. The bags are labeled Asbestos. Thirty red bags appear to contain pipe insulation and 60 yellow bags contain vinyl/asbestos tiles. Additionally, 35 five-gallon pails contain paints and oils, and one 20-gallon drum is labeled hydrochloric acid. Analysis of the suspected ACM confirmed the presence of asbestos.

The Tidewater Storage Company has three tractor trailers and three storage trailers which contain vinyl/asbestos tiles, ceiling tile, roofing materials, and personal protective equipment. The trailers are in poor condition and one is sinking into the ground. Approximately 227 bags and 24 fiber drums were

found in the six trailers. The bags are labeled Asbestos. In addition, five cylinders labeled propane, acetylene, and oxygen were found in one of the trailers. Analysis of the suspected ACM confirmed the presence of asbestos.

Asbestos is a hazardous substance as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14) and listed at C.F.R. §302.4. The emission, escape, spillage, and abandonment or the potential for emission, escape, spillage and abandonment of asbestos are releases or potential releases pursuant to Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

Asbestos is a Class A human carcinogen. Asbestos is also known to have toxic effects including skin rashes and scarring and damage of the pulmonary system.

#### **D. National Priorities List Status**

The Site has not been proposed for inclusion on the National Priorities List (NPL.) The OSC is forwarding information about the Site to the EPA Region III Site Assessment Section. However, a relatively inexpensive short-term Removal Action, if undertaken properly and in a timely manner, may fully and permanently abate the release of asbestos at the Site and may obviate the need for listing on the NPL.

#### **E. State and Local Authorities' Role**

The VAL&I, which is responsible for asbestos regulation in Virginia, referred the Site to EPA. Federal criminal investigators requested EPA involvement. The City of Chesapeake is not prepared to dispose of these materials.

### **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT**

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs (b)(2)(i), (iii), (v), and (vii) of Section 300.415 directly apply as follows to the conditions at the Chesapeake Asbestos Sites:

300.415 (b)(2)(i)	"Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants"
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Access to the Site is not adequately restricted to prevent accidental exposure to the general public. The first location, Harrison Hauling, is not fenced. Access to the second location, Traveler's Self Storage, is unrestricted during daylight hours. Access to the third location, Tidewater Storage Company, is

unrestricted to storage unit renters 24 hours a day. The public, consisting of employees and customers of the three storage and freight hauling facilities where the ACM is located, are at risk of exposure to asbestos. The two storage facilities each contain more than 100 of publicly rented units. The OSC observed that some of the units were open. In the open units the OSC observed personal/household items, including bedding and clothes. The release of asbestos at the Site may expose individuals using the facilities and may contaminate such personal/household items stored at the Sites and, subsequently, result in exposure to persons using these items in the future on-or offsite.

300.415 (b)(2)(iii) "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release"

The trailers at the Site contain ACM. Inside the trailers ACM is contained in plastic bags. Much of the ACM is single-bagged. Many of the bags are in poor condition, ripped, poorly sealed and some of the ACM is spilled. In at least one instance the ACM has been spilled outside a trailer. Many of the trailers are in poor condition and are not properly sealed for ACM storage. At least one trailer is leaning, settling/sinking; it appears to be overloaded, and potentially is in danger of collapse. If the trailer were to collapse, it is possible that its sides could rupture due to overloading and its contents could spill.

The trailers at the Site also contain drums, cylinders and other cans and containers labeled as hydrochloric acid, oxygen, acetylene, paints and other substances. These materials, many of which may contain hazardous substances, may leak, spill or otherwise release such substances.

300.415 (b)(2)(v) "Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released"

Exposure to heat, cold, humidity, and precipitation are causing deterioration of both the structure and the exterior siding of the storage units and trailers. Wetting, freezing and thawing of the soil will cause the leaning trailer to settle further, increasing the potential that it may collapse and release its contents. These conditions increase the threat of release of hazardous substances.

300.415 (b)(2)(vii) "The availability of other appropriate federal or state mechanisms to respond to the release"

The VAL&I, which is responsible for asbestos regulation in Virginia, referred the Site to EPA. Federal criminal investigators requested EPA involvement. The City of Chesapeake does not have the response mechanism to dispose of these materials in a timely manner.

#### IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances at or from the Site, if not addressed by implementing the Response Action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

#### V. PROPOSED ACTION AND COSTS

##### A. Actions

The actions proposed for the Chesapeake Asbestos Site are designed to eliminate the imminent threat posed to human health, welfare, and the environment by the Sites. The proposed actions are as follows:

- o Repackaging and containment of the ACM for transport and disposal.
- o Transportation and disposal of ACM at a licensed disposal facility.
- o Removal of potentially ACM-contaminated dust from trailers and storage units.
- o Assessment, analysis, and disposal of containers of other hazardous substances along with the ACM, in the trailers and storage units, as appropriate, in order to protect public health and welfare.
- o Disposal of the bulk ACM and, as appropriate, abatement of dust on interior surfaces of the trailers using pressure washing or HEPA-vacuuming.
- c Air-monitoring to be performed during removal activities.
- o Performance of all proposed actions in a safe manner with appropriate engineering and operational controls consistent with Occupational Safety and Health Administration (OSHA) regulations.

It is anticipated that these Removal Actions will be completed in less than 12 months.

**B. Estimated Costs****Extramural Costs**

Regional Allowance Costs	
ERCS	\$225,000
20% Contingency	45,000
Other Costs not Funded from the Regional Allowance	
TAT	15,000
	-----
Subtotal	\$285,000
15% Contingency	42,750
	-----
Total Extramural	\$327,750

**Intramural Costs**

Direct Costs	\$ 15,000
Indirect Costs	30,000
	-----
Total Intramural	\$ 45,000
ESTIMATED TOTAL PROJECT CEILING	\$372,750

**C. Contribution to Remedial Performance**

The Chesapeake Asbestos Site has not been proposed for inclusion on the NPL. The Site has been referred to EPA Site Investigation personnel for review. The proposed Removal actions will address all known bulk ACM through removal and offsite disposal. Such removal and disposal will leave no source and little residual asbestos contamination and may eliminate the need for future Federal response action. However, should additional response action be required, including Remedial Action, the proposed Removal Action should contribute to Remedial performance and will not impede the Remedial performance.

**D. Compliance with ARARs**

The proposed Removal Action set forth in this Memorandum will comply to the extent practicable with all applicable and relevant and appropriate environmental and health requirements pursuant to Federal and Commonwealth of Virginia laws, including National Emission Standards for Asbestos (NESHAP) and Toxic Substance and control Act (TSCA), Virginia Department of Environmental Quality (VADEQ) regulations, VAL&I regulations, and Virginia Department of Commerce (VADOC) requirements, all of which regulate the handling and disposal of asbestos in Virginia

in some manner. In completion of response activities at the Exeter PCB Site in Hopewell, Virginia which involved significant asbestos handling and disposal activity, the OSC conducted research into asbestos handling laws and regulations, including regular communication with Virginia officials. He was able to identify and comply with most asbestos-related ARARs, except for regulations concerning onsite storage of ACM. The OSC found that Federal emergency response contracting requirements and regulations and funding constraints precluded immediate disposal of the ACM generated at this site (bagged) as proscribed by relevant or appropriate regulations. Therefore, compliance with ARARs requiring immediate disposal was not practicable. Instead, the ACM is being temporarily stored onsite until proper disposal pursuant to Federal acquisition.

The OSC has notified the Commonwealth of Virginia by letter requesting identification of ARARs for the Site. A response was requested by October 31, 1993. However the OSC intends, at least, to comply with Virginia ARARs of which he is already aware and any other that are identified (to the extent practicable.) The OSC will notify the Federal National Resource Trustees of the Site and request identification of ARARs. The locations where ACM is stored on the Site are apparently not wetlands by definition because they are already developed. If wetlands were identified, it is not anticipated that the planned activities would cause any impact to such wetlands because no earth disturbance activities are planned and all activities would be confined to existing stone or paved parking/and drive areas of the Site. The OSC intends to comply with ARARs identified by the Trustees to the extent practicable.

#### **VI. EXPECTED CHANGE IN THE SITUATION SHOULD NO ACTION BE TAKEN OR ACTION DELAYED**

If action is delayed, the trailers, storage units and ACM bags will continue to deteriorate. The chance of accidental spillage and subsequent exposure to human populations will increase with time. The chance of release caused by vandalism will also increase. Should further release occur, the cost of cleanup will increase. At the present time, cleanup will be confined to the interior of the trailers and storage unit. Should contamination spread to the surrounding soils and nearby storage units, the cost of cleaning the Site will increase dramatically.

#### **VII. OUTSTANDING POLICY ISSUES**

##### **A. Requirement for Headquarter Concurrence**

Pursuant to OSWER Directive 9360.0-19, this Non-NPL Site Removal Action involves a Nationally Significant or Precedent-Setting Issue due to asbestos being the primary hazardous

substance. EPA HQ concurrence is required for Removal Actions involving a Nationally Significant or Precedent-Setting issue before approval by the Regional Administrator. Attached to the front of this package is a Request for Concurrence on Proposed Nationally Significant or Precedent-Setting Removal Action.

Should the Regional Administrator agree to the approval of this CERCLA Removal Action, the Regional Administrator must first seek HQ concurrence by signing the attached Memorandum to Henry L. Longest II, Director Office of Emergency and Remedial Response and forwarding the Memorandum and this Funding Request (unsigned) to the Director for concurrence. Upon receiving the Director's concurrence, the Regional Administrator may then sign the Funding Request.

#### VIII. ENFORCEMENT

The EPA Region III Removal Enforcement Section has been provided with all background information available to pursue any and all Enforcement Actions pertaining to the Chesapeake Asbestos Site. (See attached Confidential Enforcement Addendum.) The OSC concurs with Enforcement's position as stated in the Confidential Enforcement Addendum and will provide appropriate support.

#### IX. RECOMMENDATION

Because the conditions at the Chesapeake Asbestos Site meet the NCP Section 300.415 criteria for a Removal Action, I recommend your approval of this request for \$372,750, of which approximately \$270,000 are Regional Allowance Costs. You may indicate your approval or disapproval by signing below. However, before signing you must seek and receive EPA HQ concurrence. In order to gain such concurrence, you should sign the attached Memorandum to Henry L. Longest II, Director OERR, and send it with this Funding Request to him for his review and concurrence.

Once EPA Region III has received EPA HQ concurrence, I recommend you indicate your approval by signing below. Your signature on the appropriate line below will indicate your approval or disapproval of the expenditure of Superfund Trust fund monies to mitigate the threat posed by the Chesapeake Asbestos Site, and your approval of the endangerment determination contained herein.

APPROVED: W. T. W. [Signature] for RA DATE: 1/25/94

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**Attachments:**

- 1. Confidential Enforcement Addendum**
- 2. Request for Concurrence on Proposed Nationally Significant or Precedent-Setting Issues**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

ORIGINAL  
(Red)

**SUBJECT:** Request for Concurrence on Proposed Nationally Significant or Precedent-Setting Removal Action Chesapeake Asbestos Site

**FROM:** *for* Stanley L. Laskowski  
Acting Regional Administrator

**TO:** Henry L. Longest II, Director  
Office of Emergency and Remedial Response

The purpose of this memorandum is to request your concurrence on the proposed removal action at the three locations, Harrison Hauling, Travelers Self Storage, and Tidewater Storage, all collectively known as the Chesapeake Asbestos Site all of which are located in Chesapeake, Virginia. Redlegation of Authority R-14-1-A gives you the authority to concur on nationally significant or precedent-setting removals.

The OSC has discussed this proposed removal with staff of the HQ Emergency Response Division. ERD has advised the OSC that this removal is considered Nationally Significant or Precedent-Setting because the hazardous substance of concern at the Site is asbestos.

The action memorandum is attached for your review. Section VII of the action memorandum contains a discussion of the Nationally Significant or Precedent-Setting issue. My approval awaits your concurrence. I request your immediate concurrence in this matter.

Concur

*Henry L. Longest II*  
Henry L. Longest II, Director  
Office of Emergency and Remedial Response

*1/18/97*  
Date

ORIGINAL  
(Red)

According to the redelegation, authority to non-concur remains with the Assistant Administrator. If you choose not to concur on this action, please forward this memo to the Assistant Administrator.

Non-Concur:

\_\_\_\_\_  
Elliott Laws, Assistant Administrator  
Office of Solid Waste and Emergency Response

\_\_\_\_\_  
Date

Concur:

\_\_\_\_\_  
Elliott Laws, Assistant Administrator  
Office of Solid Waste and Emergency Response

\_\_\_\_\_  
Date

Chesapeake Asbestos Site  
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C. Photodocumentation



Tidewater Storage Location: Staged trailers at Tidewater Storage containing ACM and equipment.

Photographed by TAT  
April, 1994

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Tidewater Storage Location: Contents in trailer showing bagged ACM, and asbestos abatement equipment.

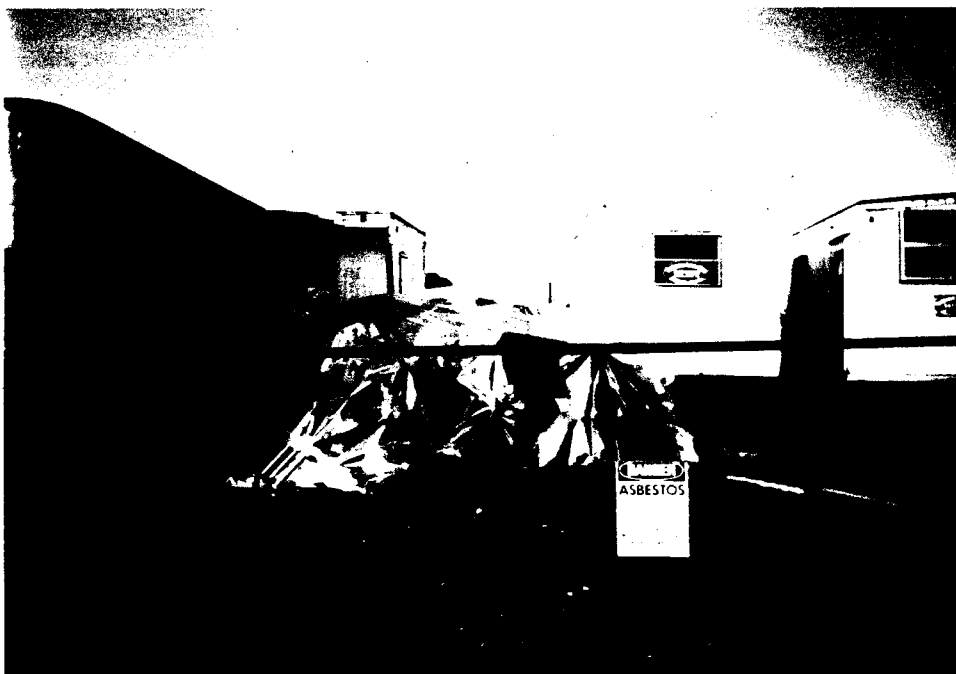
Photographed by TAT  
April, 1994

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Tidewater Storage Location: Removal operations; Containment built to connect decon trailer, ACM trailer and transport trailer. Negative air machine attached through the decon trailer.

Photographed by TAT  
April, 1994



Tidewater Storage Location: Asbestos removal operations completed. ACM properly bagged and temporarily staged outside trailers. ACM to be loaded into transport trailer for off-site disposal.

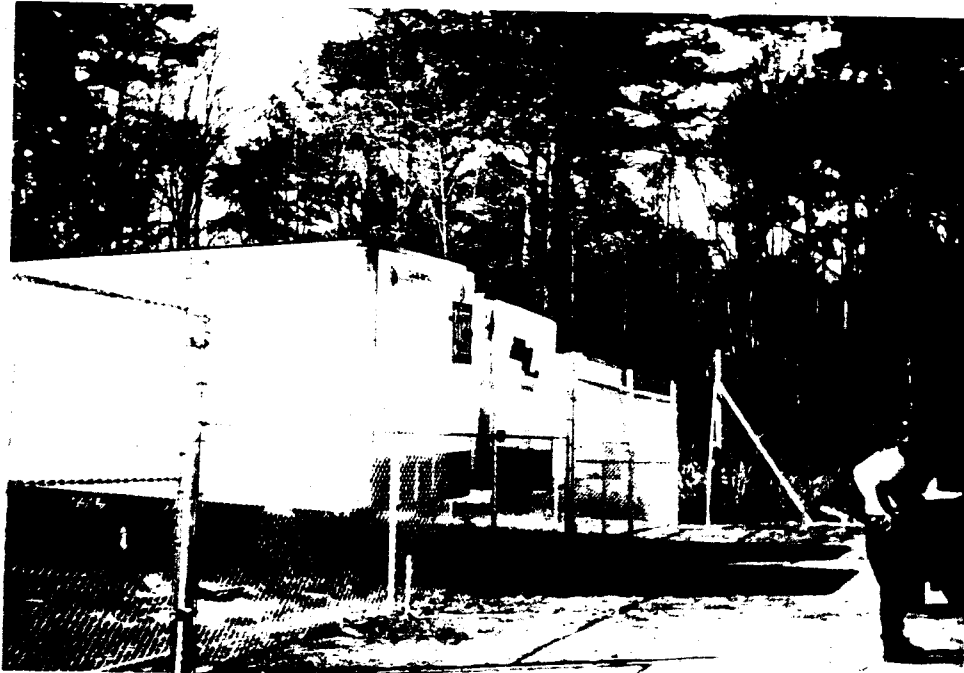
Photographed by TAT  
April, 1994



Tidewater Storage Location: ACM transport trailer at dipsosal facility in South Carolina.

Photographed by TAT  
April, 1994

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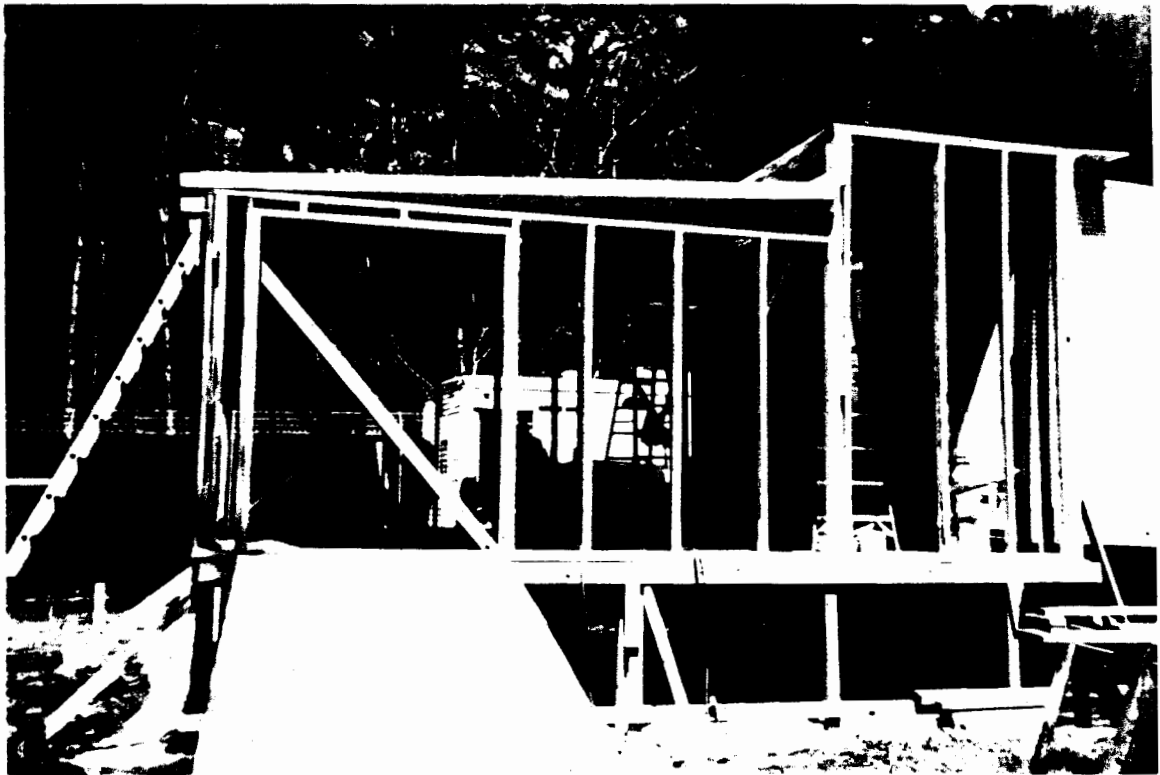
Harrison Hauling Location: Trailers containing ACM. PRP constructed fence prior to removal operations.

Photographed by TAT  
April, 1994



Harrison Hauling Location: Trailers containing ACM.

Photographed by TAT  
March, 1993



Harrison Hauling Location: PRP constructed containment as part of asbestos removal operations.

Photographed by TAT  
April, 1994

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Travelers Self-Storage Location: Storage box containing ACM, equipment and paint and oil cans.

Photographed by TAT  
March, 1993



Travelers Self-Storage Location: PRP contractor during removal operations. All contents of storage box decontaminated and properly disposed of or restaged.

Photographed by TAT  
April, 1994